

**SANDERS LAW GROUP**

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File No.: 128105

*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Viral DRM, LLC,

Plaintiff,

v.

California Off Road Recovery  
Group LLC,

Defendant.

Case No. 8:24-cv-00871-FMO-AS

**DECLARATION OF MICHAEL  
BRANDON CLEMENT LLC IN  
SUPPORT OF PLAINTIFF'S  
MOTION FOR DEFAULT  
JUDGMENT**

I, MICHAEL BRANDON CLEMENT, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury, as follows:

1. I am Plaintiff's owner in the above-captioned matter. As such, I have personal knowledge of the facts set forth in this Declaration and would testify as to them in a court of law if required to do so.

2. I respectfully submit this declaration in support of Plaintiff's Motion for Default Final Judgment against defendant California Off Road Recovery Group

1 LLC (“Defendant”) pursuant to Fed. R. Civ. P. 55(b) and the Court’s inherent power,  
2 granting Plaintiff’s default judgment against Defendant.

3 3. I am a professional videographer by trade and I am the legal and rightful  
4 owner of videos in which I own the rights to and license to online and print  
5 publications.

6 4. I have invested significant time and money in building our portfolio.

7 5. My videos are original, creative works in which I own protectable  
8 copyright interests.

9 6. I have obtained active and valid copyright registrations from the United  
10 States Copyright Office (the “USCO”) which cover many of my videos while many  
11 others are the subject of pending copyright applications.

12 7. On March 21, 2022, Ronald Brian Emfinger (“Emfinger”) first  
13 published a video showing footage of a tornado hitting the city of Elgin, Texas (the  
14 “Video”). *A screen grab of the Video is attached to the Amended Complaint as Dkt.*  
15 *No. 22-1.*

16 8. In creating the Video, Emfinger personally selected the subject matter,  
17 timing, lighting, angle, perspective, depth, lens and camera equipment to capture the  
18 image.

19 9. Thereafter, on March 21, 2022, the rights to the Video were transferred  
20 to myself and my business partner, Brett Adair by way of written assignment.

21 10. On April 22, 2022, the Video was registered by the USCO under  
22 Registration No. PA 2-354-516. *A copy of the certificate of copyright registration is*  
23 *attached hereto as Exhibit 1.*

24 11. On May 17, 2022, Plaintiff acquired the rights in and to the Video from  
25 myself and Mr. Adair by way of written assignment.

26 12. Defendant is a towing service company that operates a social media  
27 account with the name @rhino\_offroad\_recovery on Instagram.com and a social  
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1 media account with the name  
2 @SoCal\_4x4\_Rhino\_Offroad\_Recovery,\_Rescue\_and\_Towing at Facebook.com  
3 (the “Accounts”).

4 13. On March 23, 2022, Defendant displayed the Video on the Accounts at  
5 URLs: <https://www.instagram.com/reel/CbdJO0rJL82/> and  
6 <https://www.facebook.com/reel/494553468869577> (the “Infringements”). *A copy of*  
7 *the Infringements are annexed to the Amended Complaint as Dkt. No. 22-2.*

8 14. We discovered the Infringements on March 23, 2022.

9 15. As of the date of this declaration, Defendant has not removed the Video  
10 from being displayed on the Accounts.

11 16. We did not give permission or authorization to Defendant to copy, store  
12 and/or display our copyright protected Video.

13 17. The Infringements are exact copies of the original Video that were  
14 directly copied by Defendant on its Accounts.

15 18. Upon information and belief, the Video was willfully and volitionally  
16 posted to the Accounts by Defendant.

17 19. Upon information and belief, the Infringements increased traffic to the  
18 Accounts and, in turn, caused Defendant to realize an increase in its revenue.

19 20. Upon information and belief, Defendant has received a financial benefit  
20 directly attributable to the Infringements.

21 21. As a result of Defendant's misconduct, our business has been  
22 substantially harmed.

23 22. We have also been substantially disadvantaged by Defendant’s default  
24 in this case, as we have no information to establish the profits Defendant earned  
25 which are attributable or related to its theft and use of our Video. As a result, we am  
26 constrained to asking this Court for an award of statutory damages.

27 23. We have consistently licensed this Video for \$2,500 to other third  
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1 parties. This is the amount we would have licensed it to Defendant for as well.

2 24. Because Defendant's infringement was willful, and because Defendant  
3 continued to use the infringement after this lawsuit was commenced, we respectfully  
4 ask that the Court award of five (5) times the licensing fee, as a deterrent to  
5 Defendant and others who would steal our photographs upon the belief that they  
6 would be required to pay nothing more than the licensing fee, if and only if they are  
7 caught.

8 25. I declare under penalty of perjury of the laws of the State of California  
9 and of the United States of America that I have read this Declaration and that the  
10 foregoing is true and correct.

11 Executed this 27 day of August 2024

12  
13 *Michael B. Clement*

14 Michael Brandon Clement

**DECLARATION OF MICHAEL BRANDON CLEMENT**  
**EXHIBIT 1 – REGISTRATION CERTIFICATE**

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## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Shirley P. Matthews*  
United States Register of Copyrights and Director

Registration Number

**PA 2-354-516**

Effective Date of Registration:

April 22, 2022

Registration Decision Date:

June 22, 2022

### Title

Title of Work: 3-21-2022 Elgin Tx tornado- Dashcam

### Completion/Publication

Year of Completion: 2022

Date of 1st Publication: March 21, 2022

Nation of 1st Publication: United States

### Author

• Author: Ronald Brian Emfinger  
Author Created: entire motion picture  
Work made for hire: No  
Domiciled in: United States

### Copyright Claimant

Copyright Claimant: Michael Brandon Clement  
1315 Carroll Drive, Terry, MS, 39170, United States

Transfer statement: By written agreement

Copyright Claimant: Brett Adair  
210 Veazey Drive, Childersburg, AL, 35004, United States

Transfer statement: By written agreement

### Certification

Name: Craig Sanders

Date: April 22, 2022

Registration #: PA0002354516  
Service Request #: 1-11334314411



Craig Sanders  
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